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**FEB 09 2009**

**OFFICE OF PETITIONS**

In re Application of	:	
Edward A. Hubbard	:	
Application No.: 09/834785	:	DECISION ON
Filing or 371(c) Date: 04/13/2001	:	PETITION
Attorney Docket Number: NING0008	:	

This is a decision in response to the renewed petition under 37 CFR 1.137, filed December 29, 2008. The petition is properly treated as a renewed petition to withdraw the holding of abandonment based upon failure to receive an Office action under 37 CFR 1.181.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Allowance and Issue Fee Due (Notice”), mailed July 25, 2006. The Notice set a three (3) month period for reply. No extensions of time were available. No reply having been received, the application became abandoned on October 26, 2006. A Notice of Abandonment was mailed December 26, 2006.

With the prior and present renewed petitions, Applicant has demonstrated non-receipt of the Notice by a preponderance of the evidence.

In view of the foregoing, the petition is **granted**. The holding of abandonment is hereby withdrawn.

No petition fee has been charged and none is due.

The application will be referred to Technology Center Art Unit 2157 for re-mailing of the Notice of Allowance and Issue Fee Due and Notice of Allowability and for re-starting the period for reply.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/Derek L. Woods/  
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